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GENERAL

S/25011
23 December 1992

ORIGINAL: ENGLISH

LETTER DATED 21 DECEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter of the Permanent Representative of Bosnia and Herzegovina to the United Nations of 16 December 1992 addressed to you (S/24971), I have the honour to draw your attention to the following.

The Government of the Federal Republic of Yugoslavia is outraged and strongly rejects the false accusations contained in the letter of 16 December stating alleged attacks by Yugoslav aircraft and forces on 14 and 15 December 1992 against certain villages in Bosnia and Herzegovina along the border with Serbia at the Drina river.

These completely false and unfounded allegations are an undisguised attempt of involving and putting the blame on the Federal Republic of Yugoslavia for the civil war in Bosnia and Herzegovina, in which it is not a party.

As has been confirmed by the report of the Secretary-General (A/47/747) and by the European Community, the last member of the Yugoslav Army was withdrawn from Bosnia and Herzegovina as of 19 May 1992.

It has also been clearly stated by the Secretary-General that there is no information which would indicate that any of the flights violating the "no-fly" ban over Bosnia and Herzegovina have been initiated from the Federal Republic of Yugoslavia where United Nations monitors are already stationed at airfields. Moreover, as has been confirmed by the Secretary-General, none of the alleged violations of the airspace of Bosnia and Herzegovina have been involved in combat missions.

We particularly point out that in the report of the Secretary-General (S/24900/Add.4) dated 18 December 1992, which covers the period between 13 and 16 December 1992, there is no evidence of military flights in the area described in the letter of the Permanent Representative of Bosnia and Herzegovina.

The false and unsubstantiated allegations contained in the aforesaid letter of the Permanent Representative of Bosnia and Herzegovina are a part of a systematic propaganda campaign based on notorious fabrications with the ultimate goal of discrediting the peace efforts of the Federal Republic of Yugoslavia and the London Conference with a view to invoking foreign military intervention in Bosnia and Herzegovina.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

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23 December 1992
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LETTER DATED 22 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On 15 December 1992, Agence France Press transmitted information from inside Kuwait that revealed the allegations circulated by the Kuwaiti regime on the question of Kuwaiti missing persons. This information was contained in a report on the subject by a committee of the Kuwaiti National Assembly. The report admitted that "the credibility of the Kuwaiti Government has begun to dwindle, inasmuch as it is clear that some of those whose names were entered in the list of Kuwaiti missing persons are currently being held in Kuwaiti prisons or were killed during the military operations in the Gulf war". The report of the Kuwaiti National Assembly states that "the procedure of the Kuwaiti authorities has been characterized by inconsistency and clumsiness and by an attempt to exploit the issue of missing persons for political purposes. That has resulted in a weakening of the issue's credibility in all international forums and at the governmental and non-governmental levels". The report called for respect for human rights in Kuwait, pointing out that there were children under 16 years of age detained in the Talhah school in the Farwaniyah area, which is one of the deportation centres under the authority of the Ministry of the Interior.

This information, particularly since it emanates from an organ that constitutes an important part of the power structure in Kuwait, proves once again that the issue of Kuwaiti missing persons is intended to serve as a means of political blackmail for the purpose of prolonging the unjust embargo against Iraq.

Perhaps the most eloquent proof of the inconsistency of the allegations launched by the Kuwaiti authorities is the numbers cited in the lists of missing persons submitted by those authorities to Iraq through the International Committee of the Red Cross (ICRC). During the period from March 1991 to March 1992, Kuwait submitted seven lists with different figures, each time mentioning a number different from the preceding one, as follows:

- The first list contained 11,431 names and was submitted in April 1991.

- The second list contained 5,433 names and was submitted in May 1991.

- The third list contained 4,290 names and was submitted in June 1991.

- The fourth list contained 2,479 names and was submitted in September 1991.

- The fifth list contained 2,443 names and was submitted in October 1991.

- The sixth list contained 2,201 names and was submitted in March 1992.

- The seventh list contained 850 names and was submitted in March 1992.

It is now quite clear that this list too is like its predecessors. That has been ascertained in the basis of the information contained in the report of the Kuwaiti National Assembly.

As you are aware, Iraq has expressed its readiness, on many occasions and in numerous international forums, including the United Nations Secretariat, ICRC, the Non-Aligned Movement, the League of Arab States and the Security Council, to cooperate in the search for and identification of the missing persons, although it has repatriated all Kuwaitis and third country nationals present in its territory through ICRC.

The exposure of the tendentious political goals on which the allegations of the rulers of Kuwait were based and their inconsistency in submitting seven random lists assists greatly in bringing forth the truth and opening the way for closure of the file on section G of Security Council resolution 687 (1991), particularly since the information came from inside Kuwait.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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S/25013
24 December 1992

ORIGINAL: ENGLISH

NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication which he has received from the Director General of the International Atomic Energy Agency (IAEA).

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Annex

Letter dated 22 December 1992 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

Please find attached the report of the sixteenth IAEA inspection in Iraq under Security Council resolution 687 (1991). You may deem it appropriate to transmit the report to the members of the Security Council. I remain, of course, available with the Chief Inspector, Professor Maurizio Zifferero for any consultations you or the Council may wish to have.

(Signed) Hans BLIX

Enclosure

Report on the sixteenth International Atomic Energy Agency on-site inspection in Iraq under Security Council resolution 687 (1991)

5-8 December 1992

SALIENT POINTS

The former headquarters buildings of the PC-3 project, where the sixth and seventh IAEA inspection teams had collected documentary evidence relevant to the Iraqi nuclear programme, were visited by the IAEA team with the support of UNSCOM-CBW team members. These buildings are now used by the Military Industrial Committee (MIC) as an Engineering Design Centre to rebuild the Iraqi industry. Although no activity was observed or documentation found relevant to Security Council resolution 687 (1991), removal of documents from the site was observed upon arrival of the inspection team, which constitutes a violation by Iraq of the rights of IAEA and the Special Commission under the pertinent Security Council resolutions.

Short notice inspections were carried out at an IAEC guest house in the Tuwaitha area and at a warehouse in the Al Atheer Centre.

The Iraqi Minister of Higher Education and Scientific Research and present Chairman of the Iraqi Atomic Energy Committee (IAEC), Dr. Human Abdel Khaliq Ghaffour has informed the team that the Iraqi authorities will "deal positively" with inquiries from IAEA regarding the procurement of equipment and materials for the Iraqi nuclear programme. The exchange of correspondence which followed is part of this report.

INTRODUCTION

1. This report summarizes the results of the sixteenth inspection mission carried out in Iraq by IAEA under Security Council resolution 687 (1991), with the assistance and cooperation of the Special Commission. The mission took place from 5 to 8 December 1992 and was headed by Professor Maurizio Zifferero of the IAEA as Chief Inspector. The team consisted of eight inspectors (comprising seven nationalities) and support staff. At the conclusion of the mission, three members of the Agency team remained in Iraq to join an ongoing Special Commission inspection which concluded on 14 December.

2. A primary objective of the mission was to inspect a complex of buildings including the former headquarters buildings of the PC-3 project in downtown Baghdad and to search for documents relevant to the Iraqi programme on nuclear and, possibly, chemical and biological weapons of mass destruction. Two buildings of this complex, which consists of five high-rise buildings, had been previously inspected in September and October 1991 by the sixth and seventh IAEA inspection teams. It was during the inspection of these

buildings, identified as the former PC-3 project headquarters, that the sixth IAEA team was kept for four days in a parking lot before being allowed to leave with PC-3 relevant documents found there. A further objective of the inspection was to confirm the function of the other three buildings of the complex and their possible relationship with resolution 687 (1991)-relevant activities.

3. The inspection of the complex was carried out by the IAEA sixteenth nuclear inspection team with support from a Special Commission chemical-biological weapon (CBW) team. The team, staffed by a total of 36 inspectors and other support staff, was headed by M. Zifferero as Chief Inspector.

INSPECTION OF THE MIC COMPLEX IN DOWNTOWN BAGHDAD

4. The MIC complex, former PC-3 headquarters, is part of a group of five nearly identical high-rise buildings in the immediate proximity of the Ishtar Sheraton Hotel. Activities of MIC are housed in the two southern buildings (buildings Nos. 1 and 2 of figure 1) of the complex. As declared by the Iraqi side and confirmed in the course of the inspection, building No. 3 is used as a dormitory for students of the Islamic University, building No. 4 is the Directorate of Criminal Investigation in charge of prosecuting irregular economic (market related) activities and building No. 5 is the College of Islamic Studies. The entire complex is surrounded by a fence. An internal fence separates buildings Nos. 1 and 2 from the rest of the complex. The team, operating under a no notice procedure, entered the complex at 0815 hours on Sunday, 6 December, and split into six groups to conduct systematic and simultaneous searches of the site. Three groups concentrated on buildings Nos. 1 and 2, one group inspected buildings Nos. 3 and 4 and the remaining two groups provided site surveillance and random checks of Iraqi personnel exiting the complex. The area of the complex was observed by the Special Commission personnel from the 17th floor of the Sheraton Hotel.

5. The Iraqi authorities provided assistance to facilitate the operation of the different groups and to secure access to all parts of the buildings. At the outset of the inspection, however, while the different groups were heading towards their assigned positions, six or seven individuals carrying files, ring binders and large rolls of paper were seen leaving the buildings in a hurry and some were seen boarding a city public transport bus. Action to stop these individuals was not successful, however other documents were intercepted in the process of being removed or hidden. These documents were found not to be relevant to resolution 687 (1991). Confronted with this situation and with video tape footage of the documents removal taken by inspectors, the Chief Iraqi counterpart promised full cooperation and a thorough, immediate investigation of this incident, which he attributed to the "personal initiative of panic-stricken individuals".

6. In the course of the inspection, several blueprints for pharmaceutical plants were identified which required further scrutiny by experts. The Iraqi counterpart indicated that the blueprints were part of ongoing work and

refused to permit their removal or copying in the absence of a judgement that the blueprints were directly related to resolution 687 (1991). The blueprints were inventoried and tagged, in accordance with the procedure established during the sixth IAEA inspection, and held by the Iraqi side for detailed examination by an expert due to arrive later in the mission.

7. The inspection continued throughout the morning. It was concluded that, subject to the outcome of the detailed examination referred to in paragraph 6 above, no documents or activities relevant to resolution 687 (1991) were found. 1/

8. At 1530 hours on the same day, the Iraqi side asked a delegation of IAEA and the Special Commission to return to the site where, it was contended, all documents removed by individuals in the morning's incident had been returned. The Iraqi counterpart had also retrieved the city bus (including the driver) for the team to identify. It was obviously not possible to verify whether the documents presented to inspectors were the ones removed in the morning. The files, binders and rolls of paper presented were basically of an administrative and financial nature while the technical drawings related to industrial projects. None of these documents could be connected with activities prohibited under resolution 687 (1991).

9. The events outlined in paragraphs 5 and 6 constitute violations by Iraq of the rights of IAEA and the Special Commission under the pertinent resolutions (687 (1991), 707 (1991) and 715 (1991) and the plans approved thereunder) which require Iraq to permit the inspection teams of the IAEA and of the Special Commission immediate, unconditional and unrestricted access to all records which they wish to inspect. They also violate the Status Arrangements with Iraq of May 1992 and the plans for ongoing monitoring and verification which include the right of the IAEA and the Special Commission to copy any record, data and information. Letters by the Director General of IAEA and by the Executive Chairman of the Special Commission protesting these violations were sent to the Iraqi authorities.

OTHER ACTIVITIES

10. A short notice inspection was carried out at the site of Al Hamath, near Tuwaitha, to visit a residence belonging to the IAEC. The Iraqi side declared this residence to be a guest house for dignitaries and businessmen visiting Tuwaitha. This building, extremely well kept and elegantly furnished, had never been inspected before. The visit confirmed the stated purpose.

1/ This detailed examination was in fact conducted in the Special Commission premises when the expert arrived. As a result it was possible to conclude that the plants described in the blueprints were not relevant to resolution 687 (1991).

11. A second short notice inspection was carried out at a storehouse (building No. 55) in Al Atheer at the suggestion of the IAEA-15 team. With the exception of a large quantity of chemicals used to plasma-spray molds and liners in chemical and metallurgical equipment, no items were found deserving particular attention or inclusion in the future ongoing monitoring plan.

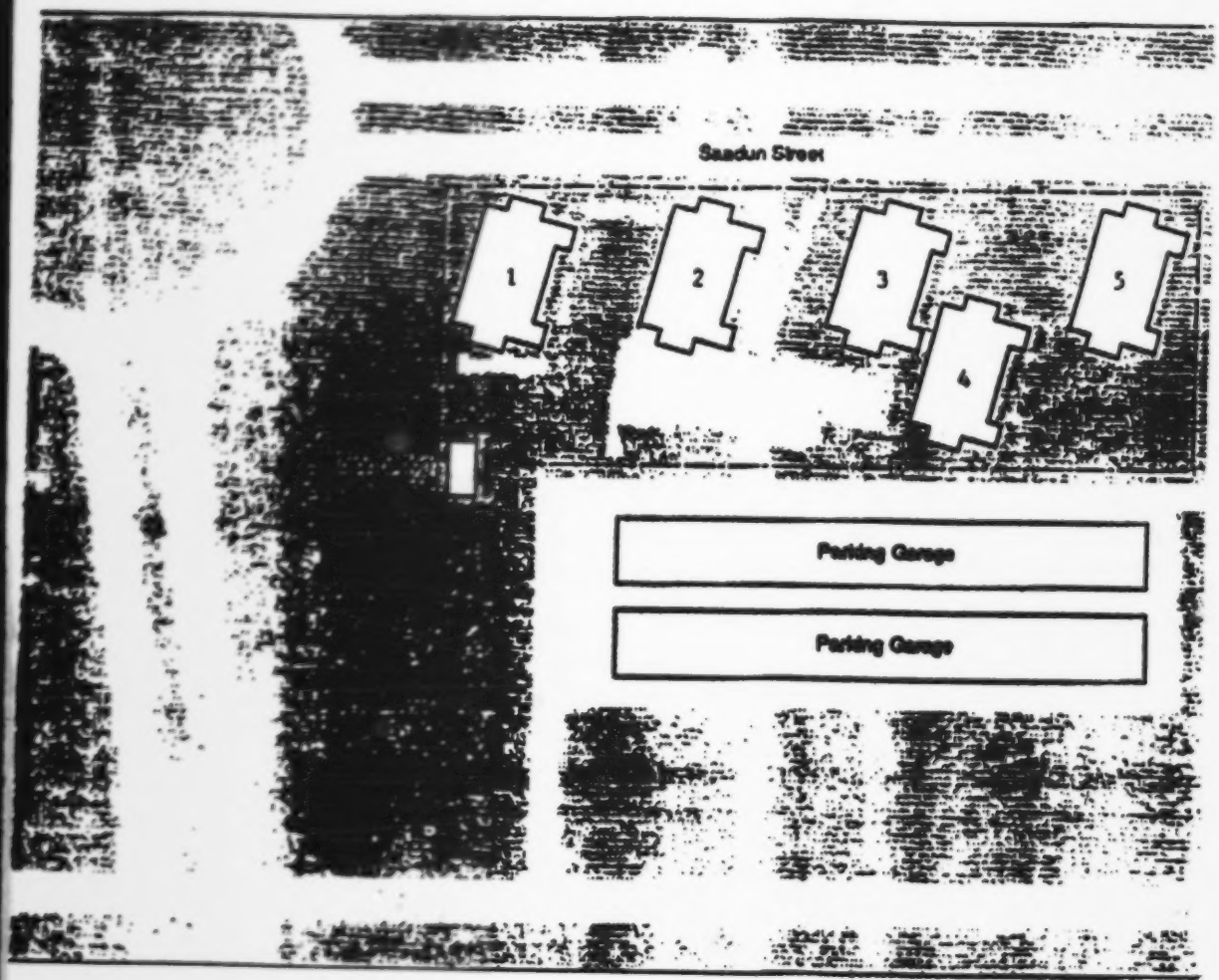
MEETING WITH IRAQI OFFICIALS

12. On 7 December 1992, the Chief Inspector met Dr. Human Abdel Khaliq Ghaffour, Minister of Higher Education and Scientific Research and Chairman of the Iraqi Atomic Energy Commission. The meeting was arranged at the Minister's request and took place at the Ministry. After commenting on the progress made in the course of the last Agency inspection (IAEA-15) in clarifying some of the "grey areas" which still existed in the Iraqi centrifuge enrichment programme, Dr. Ghaffour read a written statement in which he first reiterated the position expressed in New York on 23 November 1992 by the Iraqi Deputy Prime Minister, Tariq Aziz, before the Security Council. Dr. Ghaffour then stated the following:

> "We have given the names of 35 companies in the 'Full Final and Complete' report, 30 companies were named in inspection reports, and 15 were named as a result of the survey of machines, equipments and other items in IAEC workplaces and support facilities. Hence, the total number of the named companies is 80, which represent over 90 per cent, and what remains is less than 10 per cent of the total under question. Any questions about the remaining ones could be put in writing and submitted to us, and it will be dealt with positively."

13. The IAEA has been pressing the issue of procurement-related information since the beginning of the inspection activities under resolution 687 (1991) with little success and therefore has been trying to gain such information through evaluation of inspection results and through the cooperation of Governments. The statement of Dr. Ghaffour lead the IAEA to an immediate follow-up. A letter requesting specific information regarding the sources of maraging steel was sent on 18 December (appendix I). The Iraqi side response, received on 22 December, failed to provide the requested information (appendix II).

Figure 1



Appendix I

On 7 December 1992, I, as the Chief Inspector of IAEA-16, met with Dr. Human Abdel Khaliq Ghaffour, Minister of Higher Education and Scientific Research and Chairman of the Iraqi Atomic Energy Commission. The meeting was arranged at the Minister's request. In the course of this meeting Dr. Ghaffour announced that, as a gesture of good will, the Iraqi authorities were prepared to deal positively with questions related to foreign suppliers of equipment and materials used or planned for use in the Iraqi nuclear programme.

As a first follow-up to Dr. Ghaffour's announcement, I would like to reiterate our previous requests for the following information:

(a) The manufacturers of the maraging steel parts, such as baffles, end caps, rotors, etc., first presented to IAEA-3, and the manufacturers and suppliers of the maraging steel used in these parts.

(b) The manufacturers of the some 1.7 tonne of maraging steel forgings that were being shipped to Iraq when they were stopped at Frankfurt Airport in July 1990, and the manufacturers and suppliers of the maraging steel used in the forgings.

(c) The manufacturers and suppliers of the some 96 tonnes of maraging steel first presented to IAEA-9 and the physical configuration of this material as delivered.

A quick and comprehensive response from the Iraqi side to these questions could permit a reflection of this response in the inspection report of IAEA-16, which is to be sent to the Security Council on Tuesday, 22 December 1992.

(Signed) Maurizio ZIFFERERO
Leader
UNSCR 687 Action Team
IAEA

Mr. A. H. Al-Hajjaj
Head of the Iraqi Nuclear Team

Appendix II

I am referring to your letter of 18 December 1992 concerning your meeting on 7 December 1992 with Dr. Human Abdel Khaliq Abdul Ghaffour, Minister of Higher Education and Scientific Research and Chairman of the Iraqi Atomic Energy Commission.

We should like to receive questions related to procurement, whether they are from the Agency or from the Special Commission, all at one time for it is not convenient to have them in separate instalments in the manner suggested in your letter. We should further point out that most of the information requested by you is known to the Agency.

(Signed) Dr. Abdul Halim Ibrahim AL-HAJJAJ
Head, Iraqi Nuclear Team

Mr. M. Zifferero
Leader, UNSCR 687 Action Team

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LETTER DATED 23 DECEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF SOMALIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to express my sincere gratitude to you and the members of the Security Council for unanimously adopting resolution 794 (1992). We are also indeed grateful for all those countries, the United States of America foremost, that have made their contributions in response to the said resolution to boost the effectiveness of the international efforts to feed the starving population in Somalia. In this respect, we can only commend the operations undertaken by the Unified Military Command led by the United States.

I cannot pass without commending the exceptional efforts of the Secretary-General in seeking the necessary international support for resolving the Somali question and for his attempts at effecting adequate measures to enable the Somalis to deal with their humanitarian, security and political crisis. Indeed, the Secretary-General's report (S/24992) is a timely and analytical piece of work that brings the most immediate issues and tasks to light on the eve of the necessary preparations for consolidating the positive impact - so far - of resolution 794 (1992) and for lasting peace and reconciliation in Somalia.

Having studied the said report and the letter of the Permanent Representative of the United States to the Security Council (S/24976), I wish to share some thoughts with the members of the Council with a view to providing them some feedback on behalf of the most neutral voice of the Somali people.

Finally, and further to my letters contained in documents S/23445, S/23507 and Corr.1, S/23763 and S/23957, I would be grateful if this letter, together with its annex, be circulated as a document of the Security Council.

(Signed) Fatun Mohamed HASSAN
Chargé d'affaires a.i.

Annex

Note on the report of the Secretary-General

1. The results of Operation Restore Hope have been generally successful thus far, and I hope it continues as successful as it has so far. The mandate of the Unified Military Command led by the United States was clearly stipulated in Security Council resolution 794 (1992). Indeed, the objective of the operation was, and remains to be, establishing a secure environment for humanitarian relief operations, which I believe has been achieved in all those parts where the Unified Military Command has so far established its presence. It must be appreciated, however, that there is a genuine concern regarding the means and ways for consolidating the positive impacts of the operation as well as its appropriate, effective and smooth transition to its next stage.

2. Ideally, the situation in Somalia should not call for any striking differences between parties (i.e. the United Nations and the United States) in their approach to the transition to the next phase of the ongoing operations. The current situation has evolved out of the uniqueness of the Somali question which, by definition, presents new challenges to the United Nations, as it exists today, and to the mandate of its chartered bodies. It is my view, therefore, that it must be similarly addressed with unique measures. I hasten to add, however, that any such unique measures as might be applied should stem from a perception of the specific Somali dilemma and a real concern for the deplorable conditions of the Somali people. The measures should, therefore, single-mindedly address Somali issues first.

3. I firmly believe that the Somali crisis and its solution will not pass unnoticed in history and will involve a lot of lessons learned for the world in future similar experiences. There are, however, those who allege, unfortunately, that the Somali question has become a "test case" for gigantic plans for reshaping the world into a "new order" or a pretext for achieving ambitious schemes for strengthening the military power of the United Nations in dealing with similar situations in the future. I am deeply saddened, as are all the Somali people, by the mere thought of these allegations and I would like to believe they are baseless. On the other hand, I wish to assure the Council that we are indeed very grateful for all that has been rendered so far and that we appreciate the complexity of our Somali problem, for which we have no one to blame but ourselves first. I trust that the Council will, therefore, continue focused on the uniqueness of the Somali crisis in its continued efforts to help the Somalis to deal with it and the rest of the world to help.

4. In this connection, I am inclined to support the Secretary-General's position in requesting the Security Council to defer any new decisions on the situation until he has obtained the views of all factions to the ideas referred to in paragraphs 23 to 25 and 27 of his report (S/24992), the operative part of which is further promulgated under paragraph 32 of the same report. In addition to ongoing consultations with all factions in Somalia,

the collective view of these factions could be determined during the "informal preparatory meeting" scheduled for 4 January 1992 and over which, I understand, the Secretary-General will preside. In the meantime and pending the convening of the meeting, efforts could continue towards translating the conceptual framework outlined in the report to a detailed plan. I believe that, given the agreement of all the Somali factions to the conceptual plan described in the Secretary-General's report, the situation will inevitably require an exceptional Security Council resolution that will enforce such agreements under Chapter VII of the Charter of the United Nations.

5. This entails that the Security Council will have extraordinarily to provide powers, under its own auspices, to a "Unified Military Task Force" under the command of the United Nations, (a) to enforce agreements reached by all the 12 Somali factions, (b) to consolidate the secure environment achieved by the Unified Military Command led by the United States for the safe delivery of humanitarian relief and (c) to improve further on and maintain the conditions of peace and security throughout the country until an effective national authority has been established. It is my firm belief that this would have a proportionate effect on the time it would take to attain a definite negotiated political settlement between the Somali factions themselves.

6. I do, however, also subscribe to the view that, even during this current phase, international presence and assistance should be available to all parts of Somalia, regardless of the need for military operations or not. Indeed, efforts and plans to rehabilitate basic social and economic services and basic infrastructure, to restore local civil administration, to resettle internally displaced persons and to repatriate refugees should have been already under way in all those zones and/or localities where conditions permit, in line with paragraph 12 of resolution 767 (1992). I honestly believe that the speedy implementation of the foregoing measures could be a catalyst for peace and stability that would minimize the scale of the would-be requirements for forceful measures. More specifically, non-coercive measures for disarming, inducing peace and restoring order could by effectively and permanently conceived only within the framework of programmes that engage the communities in more purposeful activities for their own recovery and rehabilitation.

7. In the light of the above and in awareness of existing pressures to resolve the situation as quickly as possible:

(a) Firstly, I wish to encourage the Secretary-General to continue his efforts to translate his ideas into concrete plans for presentation to the concerned Somali factions in the near future, perhaps during the scheduled meeting in the beginning of January 1992, if possible;

(b) Secondly, I find it most prudent, under the circumstances, if the Security Council would defer any new decisions on the matter until such time that the Secretary-General has obtained the views and/or the agreement of all factions; and that the Security Council adopts, at the appropriate time, a resolution that would exceptionally mandate the Secretary-General to put together an international peace-keeping force that has an adequate capacity to enforce peace in Somalia under a United Nations command;

(c) Thirdly, I trust that the United States will consider the situation positively, as it always has, and will ensure that the United Nations will eventually take over responsibility from the Unified Military Command effectively to continue the inevitable peace-keeping operations in good time for all and in a manner most suitable for the task at hand;

(d) Fourthly, I can only plead with all States Members of the United Nations to provide the resources that will be deemed indispensable for a successful transition to effectively enforced peace-keeping operations to bring the humanitarian and security dimensions of the Somali crisis to an end and to provide a cradle for reconciliation and stability in Somalia.

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REPORT OF THE SECRETARY-GENERAL ON THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

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INTRODUCTION

1. On 11 November 1992, the Secretary-General submitted a report to the Security Council on the activities of the International Conference on the Former Yugoslavia since it began work at Geneva on 3 September 1992 (S/24795). The Security Council considered that report at its 3134th to 3137th meetings, held on 13 and 16 November 1992. On 16 November, the Security Council adopted resolution 787 (1992) in which it expressed its appreciation for the report presented to it by the Co-Chairmen of the Steering Committee of the International Conference, and requested the Secretary-General to continue to keep the Council regularly informed of developments and of the work of the Conference. The present report provides information on activities undertaken within the International Conference since the submission of the previous report.

I. ACTIVITIES OF THE STEERING COMMITTEE

2. The third meeting of the Steering Committee of the International Conference was held, in expanded form and at ministerial level, at Geneva on 16 December 1992. There was an in-depth discussion of the situation in the former Yugoslavia and particularly in Bosnia and Herzegovina. In a message to the meeting (see annex I) the Secretary-General stated that "the current situation demands statesmanship of the highest order. Understandable emotion must be balanced by a sober appreciation of risks and benefits. Short-term nostrums must be examined in the light of their contribution to long-range stability." He added that "the road ahead lies through continuous negotiations in good faith, in the spirit of the Charter of the United Nations and the principles of the International Conference, not in actions which would serve to continue or escalate the violence."

3. Addresses by the Co-Chairmen of the Steering Committee are contained in annexes II and III. Detailed briefings were given by Generals Nambiar and Morillon, the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, the President of the International Committee of the Red Cross (ICRC), Mr. C. Sommaruga, and Mr. Martti Ahtisaari, Chairman of the Working Group on Bosnia and Herzegovina. A number of Ministers gave their views and put questions to Generals Nambiar and Morillon, which were answered.

4. General Nambiar reported on the implementation of the various mandates of the United Nations Protection Force (UNPROFOR), including in the United Nations protected areas in Croatia and in Bosnia and Herzegovina. General Morillon reported on the situation in Sarajevo and on the efforts of UNPROFOR to secure observance of the cessation of hostilities agreed on 12 November 1992 by the three parties in Bosnia and Herzegovina. He stated that, while fighting continued in the Republic, the level of hostilities had been reduced since the conclusion of that agreement.

5. The United Nations High Commissioner for Refugees, Mrs. Ogata, reported on humanitarian relief activities. In Bosnia and Herzegovina it had been possible thus far to meet about 80 per cent of objectives in the food sector and about half the objectives on winterization. The President of ICRC, Mr. Sommaruga, provided information regarding the release of detainees held by the three parties to the conflict in Bosnia and Herzegovina. He expected 4,345 prisoners to be released during the same week: 2,780 by the Bosnian Serbs, 1,027 by the Bosnian Government and 538 by the Bosnian Croats.

6. Mr. Ahtisaari reported on discussions about a new institutional structure for Bosnia and Herzegovina, particularly on efforts to settle constitutional principles and to delimit the boundaries of provinces. He expressed his conviction that a negotiated settlement of the situation in Bosnia and Herzegovina could be achieved.

7. It emerged from the meeting that the Ministers wished the Co-Chairmen of the Steering Committee and the Chairpersons of Working Groups to press ahead with strategies for peaceful solutions to problems in the former Yugoslavia. Many participants expressed the view that negotiated solutions were possible, and preferable to expanding the war. In that regard the view was expressed repeatedly that pressure must be increased upon all parties to cooperate. It was specifically suggested that sanctions should be rigorously enforced, especially on the Danube. The appointment of an Executive Coordinator on Sanctions was proposed and received favourably by the Steering Committee.

8. Participants repeatedly urged all the sides involved in the conflict in Bosnia and Herzegovina to cooperate with ICRC, and to honour their agreements to release all their prisoners and detainees. They expressed their strong disapproval of breaches of the air interdiction zone over Bosnia and Herzegovina and wished measures to be taken to bring about compliance with it.

9. There was a clear sense at the meeting that there could be no compromise on basic principles of respect for human rights and non-acceptance of forcible change of borders. Participants reacted strongly to reports of grievous violations of human rights, including ethnic cleansing and allegations regarding ill-treatment of women. Broad support was expressed for the establishment of an international criminal court to try persons accused of war crimes.

10. Views were mixed about lifting the arms embargo in favour of the Government of Bosnia and Herzegovina. Most speakers opposed lifting the embargo. Safety zones or safe havens were also briefly touched upon.

11. The United States Government offered 25 observers to help to fill the gap in airfield monitors. That action was warmly received. The Co-Chairmen appealed to other Governments in a position to do so to make similar offers.

II. CO-CHAIRMEN OF THE STEERING COMMITTEE

A. Peacemaking

12. The Co-Chairmen of the Steering Committee have continued their contacts with the heads of State of Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia in an effort to promote peaceful solutions to problems in the former Yugoslavia. They have also held meetings with other leaders in the former Yugoslavia and in neighbouring countries. They also visited Croatia and Bosnia and Herzegovina during this period.

13. On 6 November they had a private meeting at Geneva with President Cosic of the Federal Republic of Yugoslavia. On 7 November they met at Geneva with President Gligorov of the former Yugoslav republic of Macedonia. On 19 and 20 November they visited the United Nations protected areas in Croatia. On 23 November they met at Geneva with Prime Minister Mitsotakis of Greece. On 25 November they met at Geneva with Prime Minister Panic of the Federal Republic of Yugoslavia. During the weekend of 28 and 29 November they met privately in Brioni with President Tudjman of Croatia. On 2 December they held a private meeting in Jeddah with President Izetbegovic of Bosnia and Herzegovina. They visited Zagreb for discussions with Presidents Tudjman and Izetbegovic and others on 17 December.

B. Human rights and humanitarian issues

14. The Co-Chairmen have continued to use their good offices on humanitarian matters as well as on issues of human rights. On 30 November the Co-Chairmen sent a message to the Commission on Human Rights, convened in a special session to discuss the situation of human rights in the former Yugoslavia. In their message they condemned ethnic cleansing and other violations of human rights and invited the Commission to give attention to the important question of protecting the rights of minorities which, they stated, was of great importance to the future stability and security in the area of the former Yugoslavia.

15. On 4 December Mr. Vance addressed a high-level meeting of the Humanitarian Issues Working Group. He emphasized that securing respect for basic human rights and humanitarian law must remain a high priority in dealing with the situation in Bosnia and Herzegovina as well as throughout the former Yugoslavia. Noting that solidarity with human beings in distress was a central tenet of the post-1945 world order, he expressed profound respect, admiration and gratitude for the work of the Office of the United Nations High Commissioner for Refugees (UNHCR), ICRC and non-governmental organizations (NGOs) as well as to the soldiers of UNPROFOR and to aircrews flying dangerous humanitarian missions.

16. The Co-Chairmen have also made determined efforts to help to bring about a forensic examination of a mass grave site at Ovcara near Vukovar. They were in contact on that matter with the Secretary-General, the Special Rapporteur

of the Commission on Human Rights and the Commission of Experts established by the Security Council to deal with allegations of violations of humanitarian law. The Commission of Experts has made arrangements for a forensic examination, which has begun at the site.

C. Cooperation with regional organizations

17. The Co-Chairmen have maintained contacts with concerned regional organizations including the Organization of the Islamic Conference (OIC) and the Conference on Security and Cooperation in Europe (CSCE). They attended a special session of Ministers for Foreign Affairs of OIC held at Jeddah on 1 and 2 December to consider the situation in Bosnia and Herzegovina.

18. Mr. Vance delivered a statement on behalf of the Secretary-General, which described the events taking place in Bosnia and Herzegovina as a direct challenge to international public order. The statement noted that, despite specific injunctions by the Security Council, violence was continuing, human rights were being flouted, relief efforts were being obstructed, United Nations peace-keepers were being attacked and ethnic cleansing was continuing. The statement of the Secretary-General referred to the measures being taken by the United Nations to bring an end to the conflict and suggested the following ways in which OIC could be supportive. First, it could support the call to the parties in Bosnia and Herzegovina to negotiate a political settlement on the basis of the constitutional outline presented by the Co-Chairmen. Second, it could back the Security Council's call for a cessation of hostilities and the work of the Mixed Military Working Group aimed at unblocking and demilitarizing Sarajevo and other towns. Third, it could help to ensure compliance with sanctions.

19. In his address to that meeting, Lord Owen dealt with the Islamic suspicion that the world was not defending the rights of the Muslims of Bosnia and Herzegovina in the same way it would if they were of another religion. "I do not believe this charge has any substance," he stated. As for comparisons with the international community's response to the invasion of Kuwait, he said that the situation in the former Yugoslavia was different "politically, militarily and geographically". He added that to lift the embargo for Bosnia and Herzegovina, could well trigger a resumption of arms supplies, overtly or covertly, to Serbia and Montenegro by its traditional suppliers.

20. Lord Owen stated that the Co-Chairmen were determined to see violations of the no-fly order cease, although he noted that no combat missions by fixed-wing aircraft had been recorded since 12 October.

21. Lord Owen addressed a session of CSCE held at Stockholm on 14 December 1992. Assessing the chances for a negotiated settlement, he stated: "I believe this is particularly a moment for the international community to hold its nerve and to continue with the present strategy." He added that there was also an extreme need to do everything to pressure all the parties to come constructively to the negotiating table: "This is the time",

he continued, "to have continued faith in the negotiating of a peaceful settlement."

III. WORKING GROUP ON BOSNIA AND HERZEGOVINA

22. The previous report of the Secretary-General contained information about the ideas that the Co-Chairmen had presented to the parties on a possible constitutional structure for Bosnia and Herzegovina (S/24795, annex VII). The principal points of the constitutional proposals were the following:

(a) Bosnia and Herzegovina would be a decentralized State with 7 to 10 autonomous provinces whose boundaries would take into account ethnic and other considerations. All governmental functions relating to normal contacts of public authorities with citizens, for example, education and health care, would be assigned to the provinces;

(b) The Constitution would recognize the existence of three major "ethnic" or "national/religious" groups, as well as of a group of "others";

(c) Both the central and the provincial governments would have democratically elected legislatures and democratically chosen heads of government and an independent judiciary. In all the central government organs, the principle of group balancing or rotation would be observed;

(d) There would be a Constitutional Court to decide disputes between the provinces and organs of the central Government. It would be composed of four judges, one chosen from each of the Bosnian groups, and of a majority of foreign judges appointed by the Conference;

(e) Any military establishment would be entirely under the central Government, while the police would be entirely provincial. No other armed forces would be allowed;

(f) An important feature of the Constitution would be its insistence on the highest level of internationally proclaimed human rights. Their implementation would be ensured and monitored by a variety of national and partially or wholly international organs;

(g) Other important features of the Constitution would be various international control mechanisms, such as the predominance of non-Bosnian judges on the Constitutional and the Human Rights Courts. Most of these mechanisms would remain in force until the Constitution was amended to eliminate them, which could only happen by agreement of all the three major groups.

23. Consultations have since been held separately with delegations from each of the parties. The Bosnian Government appears satisfied with the general outline of the Co-Chairmen's proposals, although from the extensive discussions held with the delegation as a whole and with some of its members

it appears that it considers that they provide for excessive decentralization and that ethnic and other group considerations are overemphasized.

24. In written comments that were also confirmed at subsequent meetings, the Bosnian Croat delegation indicated that the constitutional proposals were a relatively acceptable basis for further talks, subject to three principal reservations: it considered that (a) the constitutional arrangements should more adequately reflect that Bosnia and Herzegovina was a State of three constituent nations; (b) it should not be a protectorate of either the United Nations or of the international community; and (c) the State should be demilitarized. Specific amendments were proposed to implement those principles, which among other things would foresee the formation of three so-called "constituent units", each composed of two or more provinces that would in effect be governed together, and these constituent units would in most respects play the role foreseen for the provinces in the Co-Chairmen's proposal. An important incidental effect of that change would be to make decisions of many of the organs of the central Government depend on a consensus of the three major ethnic groups, except in respect of matters that all three of them agreed did not affect their vital interests. All the international control measures foreseen by the Co-Chairmen would be eliminated except for the possibility of participation by the European Court of Human Rights in the Bosnian Human Rights Court, for a limited period.

25. The Bosnian Serb delegation, on 19 November, presented what was in effect a counter-proposal to that of the Co-Chairmen, which it insisted, on the basis of instructions of its Assembly, be considered together with the latter. The essential feature of the counter-proposal is that Bosnia and Herzegovina would be divided, on an exclusively ethnic basis, into three sovereign States, each with international legal personality and only loosely confederated in a central unit, which itself would also have limited international legal personality. Although it is foreseen that the so-called "constituent States" would delegate certain functions in the area of economics, in particular international trade, to the central Government, each of the States would have its own currency. All the organs of the central Government would be constituted by appointees of the constituent States on an equal basis and would generally be able to take decisions only by consensus or at least with the agreement of the majority of each State's representatives. This would even be true of the Constitutional and Human Rights Courts, neither of which would have any non-Bosnian members. An important role would be assigned to a dozen commissions consisting of representatives of each of the three States that would monitor the functions of the central Government and coordinate the corresponding functions of the constituent States. Although human rights would be guaranteed at the highest international level, as prescribed by United Nations and CSCE instruments, there would be no devices for international monitoring of compliance, in this or in other respects.

26. As soon as the Conference's constitutional proposals were submitted to the parties, they indicated that it would be essential for, and of great assistance in, considering the proposals to have an indication of the precise geographic context in which they would be applied. The Chairman of the

Conference's Working Group on Bosnia and Herzegovina thereupon renewed the Conference's earlier request to the parties to provide, if possible in the form of maps, their conceptions as to the boundaries to be drawn within the country. These maps were to be the starting point for the possible development within the Conference of a set of relevant proposals.

27. In spite of these urgent requests and the evident interest of the parties in having the Co-Chairmen's constitutional proposals complemented by those concerning the maps, it was not until the second week of December that each of the parties presented some ideas concerning the geographic division of the country. The map presented by the Bosnian government delegation indicated a division of the country into 13 provinces, the populations of which would vary between 564,000 and 67,000. All of these would have an ethnically varied population, although, in each, one of the ethnic groups would predominate, sometimes distinctly, sometimes just barely. The delegation also submitted a written explanation indicating the considerations that had motivated the boundaries it suggested: historical, economic, commercial, climatic, geological, cultural and ethnic.

28. The Bosnian Serb delegation submitted a map, accompanied by a brief written explanation, that showed the proposed delimitation between the Serb republic and other constituent units. The former would include about 75 per cent of the area of the country, with a population of some 1.6 million Serbs, i.e. almost all the Bosnian Serbs, plus about 300,000 Muslims and 100,000 Croats. The basis for the territory claimed was explained as all areas in which Serbs actually constituted the majority and owned the greatest percentage of the land; plus those areas in which they would have constituted such a majority except for the genocide committed during World War II and the policies of the subsequent Titoist regime; plus other areas under Serb control at present. There was no indication of how the Serb-claimed territory, which constitutes a continuous area, might be subdivided into provinces or how the other three areas might be so divided or how these might be divided between the Muslims and the Croats.

29. The Bosnian Croat delegation submitted a map merely indicating those territories, consisting of one large, one medium-sized and four small ones, within which Croats allegedly constituted a majority of 60 per cent or more. No indication was given as to how provincial boundaries might be drawn in that light, although in accompanying oral explanations it was stated that the Croats would expect to end up with two provinces and that other concentrations of Croat populations would necessarily be assigned to provinces with other majorities.

30. The government and the Croat delegations agreed to attempt to submit a joint proposal as to the delimitation of the provinces.

31. The Co-Chairmen and the Chairman of the Working Group on Bosnia and Herzegovina intend to use the maps submitted or to be submitted by the parties to narrow the differences between them.

IV. WORKING GROUP ON HUMANITARIAN ISSUES

32. A high-level meeting of the Humanitarian Issues Working Group was held on 4 December 1992 to assess the effectiveness of the humanitarian assistance operation and to recommend further measures. The meeting was attended by all States of the region of the former Yugoslavia, the donor community, other interested States and international governmental and non-governmental organizations. The Chairperson of the Working Group, the United Nations High Commissioner for Refugees, Mrs. Ogata, invited the meeting to review the implementation of the Comprehensive Humanitarian Response launched on 29 July 1992, both as to protection and material assistance.

33. A working document that the Chairperson submitted to the meeting drew attention, among other things, to the following:

(a) There were some 3 million refugees, displaced persons and other victims of the conflict who were in need of humanitarian assistance;

(b) There was a persistent threat of ethnic cleansing in many parts of Bosnia and Herzegovina, particularly in the north-western part of the country. Harassment and persecution continued unabated. There were shocking reports of sexual abuse of women;

(c) Admission to safety abroad had come under pressure;

(d) International relief efforts were increasingly complex, dangerous and frustrating. Security conditions affecting humanitarian access remained fragile. Harassment and delays at checkpoints, indiscriminate fighting and political manipulations had continued to be major obstacles;

(e) Deliveries of relief assistance were not reaching all the victims and covered only a portion of their survival needs;

(f) There was a serious shortfall of 2,300 places for providing temporary refuge abroad for detainees;

(g) The inadequate level of support to the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) portions of the Consolidated Appeal continued to be a cause of concern.

34. During the meeting, delegations expressed their continued support for the Comprehensive Response and confirmed that it continued to constitute the framework for the humanitarian relief effort in the former Yugoslavia.

35. The meeting heard appeals to all parties to the conflict to abide by human rights and humanitarian principles and for an immediate cessation of all hostilities. Calls were also made for unconditional and unhindered humanitarian access to those in need, which was considered a cornerstone of the Comprehensive Response.

36. Delegations expressed their serious concern at the plight of the 3 million people who had been forced to flee from their homes and the risk of a further deterioration of their already tragic situation and a spread of the conflict.

37. The heinous practice of ethnic cleansing was vigorously condemned. There were renewed calls to the parties to the conflict to continue the release of those persons still unlawfully detained contrary to the commitments made at the London session of the International Conference.

38. Some delegations intervened on the issue of creating safety zones in Bosnia and Herzegovina, on which a study had been called for in Security Council resolution 787 (1992). The complexity of the issue was widely recognized. The Chairperson assured delegations that their observations would be taken fully into account in her further consultations with the Secretary-General on that issue.

39. While several delegations expressed their appreciation for the amount of assistance reaching Bosnia and Herzegovina, there was general agreement that additional urgent measures, particularly relating to shelter and health, were necessary to save lives during the winter period. Further progress also needed to be made in achieving unhindered access, as well as in addressing crucial infrastructural needs.

40. The meeting also recognized temporary protection needs, particularly with respect to vulnerable cases. In that regard, the Chairperson stated that she was grateful for the additional offers of places for ex-detainees that had been announced at the meeting. She encouraged Governments to make further commitments.

41. The Chairperson continued that, while she had been very cautious in identifying vulnerable categories for temporary protection, she expected that, owing to the deteriorating situation on the ground, pressure in that regard would mount. She reiterated her appeal to Governments to continue to admit to safety all those in need of protection. Time was running out for the innocent victims of the conflict. She expected the urgency of the situation described at the meeting to guide Governments in their deliberations in the coming days towards decisive political action.

V. WORKING GROUP ON ETHNIC AND NATIONAL COMMUNITIES AND MINORITIES

42. At its second plenary meeting at Geneva on 2 November 1992, delegations from Bosnia and Herzegovina, Croatia, the former Yugoslav republic of Macedonia, Slovenia and a federal delegation from Belgrade declared their continued adherence to the London documents, particularly to chapter II of the draft Convention of 4 November 1991, negotiated at The Hague. Since then the Working Group's activities have taken place in the different subgroups, particularly the Subgroup on Macedonia and the Special Group on the Former

Autonomous Province of Kosovo set up under the chairmanship of Ambassador Ahrens, at the London session of the International Conference.

A. Former Yugoslav republic of Macedonia

43. On 24 November, the Subgroup on the former Yugoslav republic of Macedonia held high-level talks at Skopje with President Gligorov, Prime Minister Crvenkovski and the President of the Republican Parliament, Mr. Andov, as well as with parliamentary leaders of all political parties. On 8 December, the Subgroup had a meeting with the leader of the Opposition Party, VMRO, Mr. Georgievski. There were trilateral talks with representatives of the government and of the Albanians from the former Yugoslav republic of Macedonia at Geneva on 3 and 4 November and again on 1 and 2 December, and at Skopje on 24 November and 8 December. Trilateral talks with government representatives and representatives of the Macedonian Serbs took place at Skopje on 24 November and at Geneva on 2 December. On 8 December, the Subgroup met at Skopje with the media. The meeting was chaired by the Director-General of the Macedonian Radio and Television. Through the good offices of the Council of Europe, Mr. Werner Haug, Chairman of the European Population Committee of the Council of Europe, joined the Subgroup for a first exchange of views on a republic-wide census that is to take place at the earliest possible date. Mr. Haug held talks with all interested sides at Geneva on 1 December and at Skopje from 8 to 10 December.

44. All these contacts, which are to be continued with high intensity, showed that there is still a good chance to solve ethnic conflicts inside the republic by peaceful means. All sides are still on good speaking terms with one another and show a remarkable willingness for crisis management and reasonable compromise. All are, however, under increasing pressure from more radical elements that grow in strength the longer the unfortunate recognition issue remains unsolved. The Chairman of the Working Group considers that, in the interest of the endangered stability of the republic, the early arrival of United Nations peace-keeping troops as well as the presence of long-term CSCE observers, which include members of the European Community Monitoring Mission (ECMM), would be most helpful.

45. As figures on the percentage of Macedonian Albanians in the overall population given by the Government and the Macedonian Albanians differ widely from 21 to 48 per cent, an early census is most desirable. The Macedonian Albanians did not participate in the 1991 census, but are willing to do so now under the condition of international participation. Against the background of a worsening economic crisis, the Government will, however, need international assistance to finance the census.

46. In the trilateral talks with the Macedonian Albanians, some real progress could be achieved, for example, on the aforementioned census issue, on secondary education and on problems related to the display of Macedonian Albanian national emblems. There is also agreement that a new law on local self-administration should be worked out that would provide for more

decentralization, thus giving minorities a greater say in local affairs. There are, however, other Macedonian Albanian requests that have remained unfulfilled. On most of them discussions will continue. It was agreed that the editor of the Albanian-language television programme, which is only one hour a day on one of the channels, will work out proposals on how to improve this unsatisfactory situation. These proposals will be considered by the Subgroup in the first part of January 1993. Macedonian Albanians and Serbs are not satisfied with their overall constitutional position. The Government is at present not prepared to consider further constitutional changes. There might be a better basis for such discussions after the census has taken place. The earliest date for the census is November 1993.

B. Kosovo

47. The Special Group on Kosovo had weekly meetings ever since the education talks, mentioned in the previous report, started. Four of these meeting took place at Pristina, one at Belgrade, one at Novi Sad and three at Geneva. The attendance varies, because the Government of the Serbian Republic has refused to accept Geneva as a venue. The Special Group drew the attention of the Serbian Government repeatedly to the fact that that attitude violated the working paper agreed to by all participants at the London Conference. The paper states that sessions of the working groups are held at Geneva.

48. At the latest meeting at Pristina on 9 December, attended by all parties including the Serbian Government, participants held discussions that showed different standpoints on both fundamental and educational issues. Participants confirmed their statement of 14 October 1992 quoted in the previous report (S/24795, para. 90). The Kosovar Albanians, however, voiced their deep disappointment that nothing had changed on the ground.

49. The Kosovar Albanian representatives proposed the opening of school premises at all levels at once and without preconditions. Any questions concerning education in Albanian should be dealt with after the reopening of the premises. The Government said that that was not possible and that there had to be agreement on some points before the premises could be handed over. There were altogether three points: (a) teaching programmes; (b) the status of teaching personnel; and (c) a solution to problems related to examinations and time spent in the parallel education system maintained by the Kosovar Albanians. Against this background, participants started to discuss teaching plans. There was agreement that so far there was no problem with the university level because such teaching plans were decided by the faculties and the universities themselves. On teaching plans for elementary and secondary education, the Kosovar Albanians had given Ambassador Ahrens corresponding documents that were briefly considered by participants. The Federal Minister of Education, Mr. Ivic, stated that the teaching programmes were complete but that the teaching plans were missing. The Kosovar Albanians replied that they would present those teaching plans although they saw no need to do so. They stressed that they had handed those materials to the Special Group only for consideration by all sides in the Group and that they did not want any form of legalization by the Serbian Government.

50. The Group agreed to have a thorough exchange on the teaching programmes and plans at the next meeting, at which the status of teachers and examinations and time spent in the parallel system would also be discussed. These discussions will take place against the background of the statement of 14 October 1992, which stressed the urgency of changes on the ground.

51. The Kosovar Albanians complain that nothing has changed on the ground. The negotiation strategy of having a quick breakthrough in one important sector, i.e. education, chosen by Federal Prime Minister Panic, and agreed to by Mr. Rugova, the Kosovar Albanian leader, was meant to create a better atmosphere, so that it would become possible to move from there to other areas and, finally, to the extraordinarily complicated fundamental issues related to the status of Kosovo. However, this has so far not borne fruit. Education can hardly remain the only subject of discussions in the Special Group. Accordingly, on 24 November, the Group held talks with a delegation of Kosovar Albanian medical experts in order to deal with that sector in which urgent improvement is also necessary. Other such sectors, for instance public media and the economy, were taken up with Kosovar Albanian representatives on 17 December. The Federal Government has indicated its readiness to participate in such wider talks and also to start discussions on the status of Kosovo once the revision of the Federal and the Serbian Constitutions begins after the elections of 20 December 1992.

52. The Chairman of the Working Group considers that, realistically, no progress in Kosovo can be expected in any sector before these elections have taken place and before there are again clear political structures in Belgrade. At present, only stocktaking and crisis management seem to be possible. This is the purpose of the intense activities of the Special Group, greatly helped by the CSCE long-term observers on the spot, who participate in the Special Group talks, and by the intense international attention devoted to Kosovo.

C. Vojvodina

53. The Subgroup on Vojvodina held talks, on 10 and 11 November, concerning the Hungarian minority in the province. After a discussion in the Hungarian Ministry of Foreign Affairs in Budapest, there was a series of meetings between the Federal Government of Yugoslavia and the Democratic Union of Vojvodina Hungarians, led by Mr. Agoston, other Hungarian organizations and representatives of all walks of life. The Subgroup was also received by the head of the provincial government. From these meetings, it became clear that the situation of the Hungarians has deteriorated in the course of the Yugoslav crisis. The main complaints are the resettlement of Serbian refugees in Hungarian towns and villages and an overproportional and disproportionate draft of Hungarians into the Yugoslav army. A follow-up on the Novi Sad meeting and serious negotiations on satisfying compromises will not, in the view of the Chairman of the Working Group, be possible before the elections of 20 December.

54. On 10 and 12 November, the Subgroup also met with the Chairman of the Croatian Party in Vojvodina, Mr. Tonkovic, and six Catholic priests from southern Vojvodina, where human rights violations are more frequent than in the north. It was agreed with the CSCE long-term observers in Subotica that they would take up the individual human rights cases. The Subgroup has approached the Federal Government on behalf of the Vojvodina Croats, but so far no conference-sponsored talks have been possible. The matter will be taken up again after 20 December.

55. On 15 December, a delegation of the Subgroup headed by Ambassador Rey participated in a Novi Sad-type meeting with the Slovak minority in Vojvodina, which took place in Backi Petrovac as proposed by the Federal Government. It also held talks with Vojvodina Hungarian and Croatian representatives.

D. Sandzak

56. The Subgroup on the Sandzak held talks with a delegation of the Muslim National Council of Sandzak headed by Mr. Ugljanin, who was also received by the Co-Chairmen. The Co-Chairmen wrote to President Milosevic of Serbia and to President Bulatovic of Montenegro on behalf of the Sandzak Muslims, who, particularly as a consequence of the war in Bosnia and Herzegovina, are victims of serious human rights violations. A trilateral meeting in Novi Pazar, envisaged by the Federal Government following repeated insistence by the Subgroup, has so far not taken place.

E. Croatia

57. The Working Group held several contacts with Croatian Government representatives and Serbs from Croatia. Endeavours have to be intensified as soon as the overall political situation, particularly in the United Nations protected areas, allows. In the meantime, the Working Group will continue its contacts with Croatian government representatives and with Serbs living in Croatia. Some complaints by Serbs about violation of their rights have reached the Group.

VI. WORKING GROUP ON SUCCESSION ISSUES

58. The Working Group on Succession Issues met under its new Chairman, Ambassador Jorgen Bojer, from 24 to 27 November. Delegations from all successor States on the territory of the former Yugoslavia participated.

59. The Working Group adopted a text on the question of citizenship, which stressed that no former citizen of the Socialist Federal Republic of Yugoslavia will become stateless.

60. The Working Group also discussed the issues of pensions and other acquired rights of those former Socialist Federal Republic of Yugoslavia

citizens who live in a successor State of which they are not citizens. Other matters dealt with by the Working Group included the rights of refugees and displaced persons, how to define State property and the relationship of the successor States with international financial institutions. The discussion of these topics will be continued at the next meeting of the Working Group scheduled to be held in January 1993.

VII. WORKING GROUP ON ECONOMIC ISSUES

61. The Working Group on Economic Issues convened on 11 November to consider:

(a) Amendments to the inventory of assets, liabilities and archives of the former Socialist Federal Republic of Yugoslavia proposed by the six subgroups meeting at Brussels at the end of October;

(b) A projected high-level conference on the economic future of the republics of former Yugoslavia;

(c) The need to look at proposals for practical policy initiatives in the economics field.

62. Work on the valuation of assets, liabilities and archives of the former Yugoslav federation is proceeding, although the intensive bilateral consultations held earlier had shown that large differences remained between the delegation of Serbia-Montenegro and the others on what the contents of the inventory should be. The Serbian view of what should count as an asset of the former Socialist Federal Republic of Yugoslavia is quite extensive; the view of the other delegations is much more restrictive.

63. A delegation comprising two officials and four representatives of a consulting firm has been in Belgrade to examine financial assets and liabilities of the former federation. The delegation was granted access to most of the information sources and databases it wanted to cover, including the statistics of the National Bank of Yugoslavia. Another similar fact-finding mission has been dispatched to Belgrade to look at federal archives. There have been unconfirmed reports that the Government of the Federal Republic of Yugoslavia is opposed to any division of the archives of the former federation.

64. The principle of a high-level conference on the economic future of the republics of former Yugoslavia, focusing on recovery and reconstruction, was well received, although questions were raised as to the correct timing of such an event.

65. Future meetings of the Working Group will consider a number of practical policy initiatives submitted by the different delegations and by the Chairman, as well as the question of the proper timing for the proposed high-level conference.

VIII. WORKING GROUP ON CONFIDENCE- AND SECURITY-BUILDING AND VERIFICATION MEASURES

66. The Working Group on Confidence- and Security-building and Verification Measures met regularly in November and early December (a) to review the implementation of several of the confidence- and security-building measures adopted on 15 September 1992 to facilitate the continued operation of the humanitarian flights into Sarajevo (see S/24634, annex) and (b) to seek common ground among all the parties in former Yugoslavia on longer-term measures to build confidence in the military sphere.

67. With respect to the 15 September Confidence- and Security-building Measures agreement, efforts focused on the parties' compliance with the ban on radar lock-ons of humanitarian flights and other flights authorized by UNPROFOR; the withdrawal of anti-aircraft artillery and surface-to-air missiles from an area 45 kilometres each side of the route agreed for the humanitarian flights and the declarations of locations of all anti-aircraft artillery and surface-to-air missiles throughout Bosnia and Herzegovina. Information was received from all the parties on the ground in Bosnia and Herzegovina. The parties took a step forward by agreeing to exchange the information they had submitted. Efforts will continue to be exerted to gain full compliance with the 15 September 1992 agreement.

68. The London Conference document on confidence, security-building and verification (LC/C11) has been the basis for consideration of longer-term conference- and security-building measures.

69. Over the last month, the Working Group has reviewed possible measures to facilitate, within its mandate, the reduction of tension among the parties by beginning its consideration of the question of other long-term confidence-building measures. Among them, the Working Group has before it a proposal for a preliminary exchange of information on the types of weapon systems and armed forces levels in the possession of each party in the region. It is hoped thereby to begin to prepare the ground for eventual mutually acceptable confidence- and security-building measures, which might have the desired effect of building genuine confidence in the military field among the parties in the former Yugoslavia.

Annex I

Message from the Secretary-General to the ministerial meeting of the Steering Committee of the International Conference on the Former Yugoslavia dated 16 December 1992

As Co-Chairman of the International Conference on the Former Yugoslavia, I welcome you to the Palais des Nations and send you my best wishes for a productive meeting. This expanded meeting of our Conference's Steering Committee convenes at an opportune moment. The conflict in Bosnia and Herzegovina continues in spite of strenuous efforts to halt it, although the intensity of hostilities has been reduced. Displaced persons, refugees and other affected persons are facing the rigours of expanded conflict.

The current situation demands statesmanship of the highest order. Understandable emotion must be balanced by a sober appreciation of risks and benefits. Short-term nostrums must be examined in the light of their contribution to long-range stability.

Much has been done to stem the conflict and to provide vital humanitarian assistance to its victims. Humanitarian organizations deserve our admiration and gratitude for their unceasing efforts. Your continuing support for their work is still essential.

The Co-Chairmen of the Steering Committee are laying the foundations for peaceful settlement. Their emphasis has rightly been, and continues to be, on peacemaking, peace-keeping, preventive diplomacy and peace-building. The road ahead lies through continuous negotiations in good faith, in the spirit of the Charter of the United Nations and the principles of the International Conference, not in actions which would serve to continue or escalate the violence. I wish you success in your endeavours.

Annex II

Opening statement of Mr. Cyrus Vance to the ministerial meeting of the Steering Committee

Lord Owen and I extend to you our warmest good wishes and welcome you to this Ministerial Meeting of the Steering Committee of the International Conference.

Your presence here today demonstrates the deep concern of the international community over the grave situation in the former Yugoslavia. Conflict persists in Bosnia and Herzegovina. More than 3 million refugees and displaced persons from the three communities continue to depend on international aid for their survival. Over the last three months more than 7,000 troops have joined the command of the United Nations Protection Force (UNPROFOR) in Bosnia and Herzegovina, helping to bring urgently needed humanitarian assistance to the civilian populace. While much has been done, the conflict endures, with the risk of spreading to other areas of the Balkans.

The conflict in Bosnia and Herzegovina is but the most recent explosion in the violent break-up of post-Tito Yugoslavia. The roots of the violence lie deep in the region's complex history of mutual grievances, political ambitions, territorial claims, religious differences and ethnic rivalries.

But to say that the causes of the conflict are complex does not relieve us of the responsibility to seek just and equitable solutions. It is essential that we bend every effort to unify our actions to bring the fighting to an end, prevent the conflict from spreading, provide humanitarian assistance to all and find a lasting political solution to the problems of Bosnia and Herzegovina and the former Yugoslavia as a whole.

In the 104 days since the International Conference began, we and our many colleagues, civilian and military, and other institutions and organizations, have worked to push forward on a wide range of problems. All are difficult, but all are essential. They have included:

(a) Improving relations between Croatia and the Federal Republic of Yugoslavia;

(b) initiating serious dialogue among the leaders of Croatia, the Federal Republic of Yugoslavia and Bosnia and Herzegovina;

(c) Working to stabilize the situation in the United Nations protected areas in Croatia, including such thorny problems as the return of refugees;

(d) Demilitarizing the Prevlaka Peninsula in the context of an agreed withdrawal of the Yugoslav army from Croatian territory on 20 October;

(e) Deploying a large United Nations peace-keeping operation in Bosnia and Herzegovina to protect humanitarian convoys;

(f) Establishing a Mixed Military Working Group at Sarajevo to bring about a cessation of hostilities and to address other important military issues;

(g) Constructing a constitutional framework for Bosnia and Herzegovina;

(h) Working to strengthen existing sanctions and measures for enforcement;

(i) Deploying preventive peace-keeping troops in Macedonia, as well as conducting preventive diplomacy in Kosovo, Sandzak and Vojvodina;

(j) Actively cooperating with the United Nations Commission on Human Rights and its Special Rapporteur, as well as with the Commission of Experts on violations of humanitarian law, including war crimes.

Promoting a cessation of hostilities and constitutional settlement in Bosnia and Herzegovina remain our priority objectives. It has not been easy, and I must tell you that all three sides have at different times created obstacles to the realization of these goals. None the less some progress, though not nearly enough, has been made. After lengthy and strenuous efforts by the United Nations Commanders, a tripartite Mixed Military Working Group has been established at Sarajevo. The results have not been negligible and the overall level of violence has been reduced, though not ended.

From the outset Lord Owen and I have proceeded on the basis that our essential task is to bring about a durable political solution. Practically speaking, there are no serious alternatives to a negotiated political settlement. It is important, therefore, that our actions work consistently to this end. We hope very much that this meeting will send a clear message to all parties concerned that incentives are available to those who cooperate in the peace process, and that costs will be borne by those who do not. Let me briefly share with you our thinking on a range of specific issues which concern us all.

Macedonia is undergoing an acute crisis. To help to defuse it, the Security Council has just approved the Secretary-General's recommendation that a United Nations peace-keeping operation - a preventive deployment - be established in Macedonia. An infantry battalion consisting of some 700 armed troops, with logistic support, military observers, and United Nations civilian police will perform this task. The Co-Chairmen join the Security Council in attaching great urgency to some immediate deployment.

Kosovo is no less pressing a problem. It is doubtful whether at present we could receive the required consent to insert United Nations peace-keeping forces into this province of Serbia, but in any event the Conference on Security and Cooperation in Europe (CSCE) already maintains a presence in

Kosovo. We welcome the CSCE decision at Stockholm to enlarge its civilian monitor mission. Given the heightened tension on all sides involved in the Kosovo issue, conflict could break out there as much by misadventure as by design. Therefore the good offices role of the CSCE mission is of critical importance. Over the long run, serious improvements must be made in Kosovo. During the last three months, the Conference's Special Group on Kosovo has carried out intensive discussions with all sides on a broad range of social, educational and political issues. We believe that these efforts will help to improve stability and will bear fruit. Restoration of genuine autonomy to Kosovo remains a principal goal.

With respect to the no-fly zone over Bosnia and Herzegovina, we believe that breaches of the Security Council's resolution need to be examined. In this connection, it is essential to understand the factual situation. The fact is that UNPROFOR thus far has not seen any use of fixed-wing fighter aircraft in support of combat operations in Bosnia and Herzegovina since the no-fly-zone resolution was adopted more than two months ago. UNPROFOR has tracked helicopters on a number of occasions and has been informed of allegations that helicopters have been used in an offensive role. This, however, has not been confirmed by UNPROFOR. These facts should be taken into account in any consideration of a determination under Chapter VII of the Charter of the United Nations. The Security Council must also consider the probable consequences of an enforcement action, particularly the endangerment of UNPROFOR personnel and staff of the Office of the United Nations High Commissioner for Refugees (UNHCR), the European Community Monitoring Mission (ECMM) and unarmed humanitarian workers in Bosnia and Herzegovina and elsewhere in the former Yugoslavia.

Another important issue is the suggested lifting of the arms embargo. Two weeks ago at Jeddah, Lord Owen and I were able to assess the depth of feeling of the Islamic countries in favour of this action. Yet I must tell you that, in our view, such action would be unwise. It would widen and deepen the war in Bosnia and Herzegovina. It would encourage the delivery of more sophisticated and more destructive weapons to all the warring parties and could also lead to the spread of the conflict throughout the Balkan region.

Another subject under consideration is that of security zones or safe havens for civilians caught up in the fighting. Advocates of this policy offer several variants, and it is not always clear what is being proposed. I believe we should examine such proposals carefully, but Lord Owen and I cannot support any policy that would contribute to ethnic cleansing. We continue to believe the best "safe haven" lies in an overall cessation of hostilities.

With respect to the refugee situation, Mrs. Ogata will be reporting on her activities and the requirements on the ground. Inside and outside Bosnia and Herzegovina more than 3 million refugees and displaced persons still need assistance. Inside the country, thanks to the heroic efforts of UNHCR workers, UNPROFOR and others, food and other supplies are getting through to many places that had not been reached before. But international relief efforts remain dangerous, and still encounter obstruction and intimidation. More must be done by all of us to improve the lot of innocent civilians.

Human rights issues have been at the forefront of our concerns since our first day at Geneva. In a message we sent to the Commission on Human Rights on 30 November we again condemned ethnic cleansing and other violations of human rights and invited the Commission to give attention to the important question of protecting the rights of minorities.

We have cooperated with the International Committee of the Red Cross (ICRC), and we pay tribute to President Sommaruga and his colleagues for their noble and unsung work day in and day out, particularly on prisoner release and evacuation. In view of the urgency of this matter, and deep interest in it, he will report on the latest developments.

We have also taken action on allegations of war crimes and other breaches of international humanitarian law. We have sought to help the Commission of Experts to bring about a forensic examination of the mass grave site at Ovcara near Vukovar and this is in train this week. Lord Owen and I believe that atrocities committed in the former Yugoslavia are unacceptable and persons guilty of war crimes should be brought to justice. We therefore recommend the establishment of an international criminal court.

This is the path we have followed since assuming our mission, and we shall continue to press ahead with the strategies I have indicated. Finally, in his remarks Lord Owen will address the steps we plan to take in the immediate future to expedite our endeavours.

Annex III

Speech by the Right Honourable the Lord Owen to the ministerial meeting of the Steering Committee

As Co-Chairmen we are both convinced that we should press for an overall settlement to be achieved as soon as humanly possible. This will have to include the restoration of full autonomy for Kosovo where the situation is particularly dangerous. Realism tells us that there are many formidable problems ahead.

We have never doubted that the parties in Bosnia and Herzegovina cannot negotiate a settlement on their own and that there will have to be considerable pressure brought to bear on all three parties at various times. Many of the countries sitting around this table have a part to play in that process.

One of our concerns is that the Bosnia and Herzegovina Government is sadly increasingly becoming representative only of the Muslim population. We are travelling tomorrow to Zagreb to meet with President Tudjman and President Izetbegovic in an attempt to bring together the Bosnian Muslims and Bosnian Croats into a more representative presidency. We will try, although we know it will be very difficult, to persuade both sides to come to some measure of agreement on a provincial map for Bosnia and Herzegovina.

So far we have failed to get the Bosnia and Herzegovina Government, at the political level, to come around the same table with the Bosnian Serbs and Bosnian Croats. With so much of the territory in which they would normally be in the majority under the control of the Bosnian Serbs, they are afraid of negotiating now, as they see it, from a position of weakness. We will, I expect, need the support of countries particularly in the Islamic world to encourage President Izetbegovic to participate constructively in January. But if he is to compromise, we will have to be able to demonstrate that we are capable of rolling back the present Bosnian Serb front line and obtaining the Bosnian Serbs' agreement to live under a rule of law that allows for ethnic cleansing to be reversed.

The Bosnian Croatian position presents for the moment the least difficulty and indeed could become a helpful factor in negotiations, but there are still parts of the Croatian Army in Bosnia and Herzegovina and some unauthorized flights from Zagreb.

The overriding challenge is, however, to roll back the Bosnian Serbs and here General Mladic is becoming evermore important. He is a determined officer. While he probably listens to President Cosic and General Panic, he is not controlled by them. He answers to President Milosevic.

It is Belgrade, above all, that control the main pressure points on the Bosnian Serbs. Mr. Karadzic ultimately answers to Belgrade and in effect the

Bosnian Serb military effort and economy, apart from food, is critically dependent on decisions taken in Belgrade. We are right therefore in believing that Belgrade has - if it cares to exercise it - the capacity to deliver a settlement.

That is why it is fundamentally important that all existing sanctions against Serbia and Montenegro are maintained and indeed reinforced. We cannot afford to allow sanctions to be evaded as happened a few weeks ago with the oil embargo. We need a person who can string together intelligence information from different countries and report evasions and potential sanctions-busting to the Sanctions Committee. Having adopted at last stop and search in the Adriatic we must have stop and search on the Danube. It is prudent too for us all to plan for new and tougher sanctions. They may be needed against an intransigent new Serbian Government, but we as Co-Chairmen do not believe that they should be applied or even threatened until we have given whatever new Government emerges in Belgrade the opportunity to contribute positively to the negotiating process. Whatever happens on 20 December, President Cosic will remain the President.

We intend to proceed on a determined and persistent path towards a negotiated settlement.

Between Christmas and the New Year, Mr. Boutros Boutros-Ghali will be visiting Geneva and during that time he has agreed to meet with us and President Cosic and also separately with President Tudjman. We may or may not seek to bring the Presidents together.

If no candidate in the Serbian presidential elections obtains more than 50 per cent of the vote, there will have to be a run-off, and the most likely time for a second election is thought to be 3 January 1993. The results would not be known before 4 or 5 January and there will be a public holiday because of the Orthodox Christmas on 7 and 8 January. We may find therefore that we have not got an authoritative Government to deal with in Belgrade until the week beginning 11 January. Yet neither of us believes it is acceptable in terms of the situation on the ground in Bosnia and Herzegovina or indeed in terms of world opinion for us to wait until then.

We are therefore inviting to Geneva on 2 January President Izetbegovic, Mr. Karadzic and Mr. Boban and asking them to bring their senior military commander. We want not only a sustainable cessation of hostilities and the demilitarization of Sarajevo, but also to try to reach an agreement on a pullback from the military front line in a way which reinforces and goes with the grain of an overall political settlement. We will also be trying to ensure free access of all citizens in and out of cities and towns that have been under siege and the free movement of humanitarian aid. We will be inviting Belgrade and Zagreb to send representation at the level they think appropriate to these talks. We will plan to follow these talks up when the political situation is clearer in Belgrade with further meetings in the middle of January.

We believe that only when this process has been undertaken will we be able to analyse the potential for a genuine negotiated settlement which fulfils the principles laid down for this Conference at the end of August in London. If any party in Bosnia and Herzegovina or any Government in Zagreb or Belgrade is obstructing such a settlement, we will not hesitate to bring their attitude and action to the attention of this Conference. We cannot fix deadlines or milestones but, when a new administration is established in the United States, it may well be appropriate to adopt new measures in the Security Council and even meet again at the ministerial level.

At this stage, however, neither Cyrus Vance nor I are faint-hearted about the prospect of a negotiated settlement. A great deal of time and effort has been invested in a negotiated settlement since we met together for the first time here on 3 September. We intend to capitalize on that investment. We do believe, however, that four additional new measures should be considered.

(a) Firstly, consideration of the establishment of an international criminal court through a resolution by the Security Council. It would surely be wrong if the practitioners of ethnic cleansing are not brought to justice;

(b) Secondly, consideration of a determination under Chapter VII of the Charter of the United Nations to make it possible to enforce a no-fly ban by the Security Council if, and only if, infringements continue. This is a two-stage process for the implications of any actual enforcement for United Nations troops, staff of the Office of the United Nations High Commissioner for Refugees (UNHCR) and others on the ground in Bosnia and Herzegovina demand the deepest analysis by members of the Security Council. The Secretary-General will also need to be fully involved in any decisions on the timing and the type of any enforcement action and his decision to ask the North Atlantic Treaty Organization (NATO) for planning assistance will help this process;

(c) Thirdly, consideration to toughening existing sanctions through a mechanism for using delicate intelligence and other information so as to report evasions to the United Nations Sanctions Committee at the earliest moment;

(d) Fourthly, consideration to a Security Council resolution on Kosovo, making it clear that all parties should show restraint but that any further internal suppression would be considered a threat to the peace and that negotiated autonomy is an essential and urgent priority.

We both remain firmly against making any change in the Security Council arms embargo which was adopted in September 1991 and covers the whole territory of the former Yugoslavia. Now is the time to test the parties inside Bosnia and Herzegovina and the countries surrounding Bosnia and Herzegovina at the negotiating table. It must never be forgotten that peace will come to the former Yugoslavia only through negotiations. To bring that about we need a judicious use of moral, political, economic and military pressures.

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 30, 35, 73 and 74
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
UNITED NATIONS RELIEF AND WORKS AGENCY
FOR PALESTINE REFUGEES IN THE NEAR EAST
REPORT OF THE SPECIAL COMMITTEE TO INVESTIGATE
ISRAELI PRACTICES AFFECTING THE HUMAN RIGHTS
OF THE PALESTINIAN PEOPLE AND OTHER ARABS OF
THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-seventh year

Letter dated 24 December 1992 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention.

The situation in the occupied Palestinian territory, including Jerusalem, continues to deteriorate at a very alarming pace as a result of increasingly repressive measures by Israel, the occupying Power, against the Palestinian people there. This has been occurring parallel to Israel's mass deportation of Palestinian civilians on 17 December 1992. The Gaza Strip, in particular, has been devastated by a succession of violent acts committed by the Israeli military. In addition to the seven Palestinians killed by Israeli soldiers in Gaza on 19 December 1992, as I informed you in my letter dated 21 December 1992, 1/ two young brothers, Mohammad Khamis Abdin and Esmail Khamis Abdin, ages 22 and 20, were killed by live ammunition on 23 December 1992 in Khan Yunis. Eighty Palestinian civilians were also wounded. Gaza has been under siege for a long time now, and this has resulted in severe shortages of foodstuffs, water and essential medicines. It has been reported that hunger has become widespread in the area.

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On another front we are following, with satisfaction, the steps that have been taken by Your Excellency to implement Security Council resolution 799 (1992), and we look forward to seeing the resolution fully implemented very soon. Nevertheless, we find it imperative to bring to your attention the situation mentioned above and to reiterate our position, as on previous occasions, that the international community should meet its responsibilities towards the Palestinian people and that the United Nations must provide immediate protection for our people living under occupation.

I should be grateful if you would arrange to have the text of this letter distributed as an official document of the General Assembly, under items 30, 35, 73 and 74, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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24 December 1992

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GENERAL ASSEMBLY
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Agenda item 35
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-seventh year

Letter dated 24 December 1992 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter from the Minister for Foreign Affairs, Mr. Shimon Peres, addressed to his colleagues around the world regarding the recent events in our area (see annex). In his letter, the Minister for Foreign Affairs reiterates Israel's strong commitment to the Middle East peace negotiations process in both its bilateral and multilateral frameworks as a means of achieving a lasting peace in the region.

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Gad YAACOBI
Ambassador
Permanent Representative of Israel
to the United Nations

ANNEX

Letter dated 23 December 1992 from the Minister for Foreign Affairs of Israel addressed to his colleagues around the world

Allow me to share with you some thoughts about the latest events in our area.

In recent weeks, we have witnessed some substantive progress in the Middle East peace negotiations, in both the bilateral and multilateral tracks. These positive developments have frustrated, first and foremost, the enemies of peace, namely, Hamas and Islamic Jihad. Their ideologies are predicated on hatred for the West, on the destruction of Israel and, indeed, the rejection of any notion of peace in our area. These elements have a proven track record in this regard over recent years in the Middle East.

The latest wave of vicious terrorist activity, culminating in the brutal murder of Sergeant-Major Nissim Toledano, is being carried out primarily by Hamas and Islamic Jihad. These are extremist organizations financed and instructed by Iran, which act against Israelis as well as mainstream Palestinians. Hamas and Islamic Jihad fear nothing more than a genuine Israeli-Palestinian reconciliation. Since the Madrid Conference they have made every effort to kill the peace process with one single weapon: indiscriminate terror. They recently attempted to assassinate Feisal Husseini and planned to attack a Jerusalem high school - both of which were fortunately averted.

We regret, therefore, United Nations Security Council resolution 799 (1992), which failed to recognize the compelling need of Israel to defend and protect its citizens against this brutal wave of terror. Furthermore, the resolution did not condemn in any way those acts of terror and violence by Hamas and Islamic Jihad elements directed against Arab and Jew alike. Notwithstanding this, we have agreed to the suggestion of the Secretary-General to send his representative to Israel on a goodwill mission in the very near future.

I would like to assure you that the decision to temporarily exclude the Hamas and Islamic Jihad operatives was taken after a great deal of consideration. Israel took this exceptional step in order to ensure that the Hamas and Islamic Jihad terror network would be severly curtailed, which would consequently enable the peace talks to proceed in the desired direction. The Government of Israel, which has proven time and again its commitment to the Madrid process, will not allow the rejectionists of peace to prevail. The peace process will not be able to endure across the negotiating tables in foreign capitals, unless it is allowed to develop on the ground, between the very peoples it is designed to serve.

The Supreme Court of Israel sitting as the High Court of Justice has twice considered the petitions for the return of those subject to the temporary exclusion orders. Furthermore, the people removed will have recourse to individual appeals within 60 days of their removal.

I would like to conclude by stating categorically that Israel remains staunchly committed to pursuing peace in the bilateral and multilateral negotiations. We hope and urge that our partners to these negotiations will engage in these talks with the necessary vigour and determination to attain a lasting peace among all the peoples in the region. We are, indeed, looking forward to the continuation of the peace talks at the earliest possible opportunity. This would be the most appropriate guarantee that those dedicated to the furtherance of peace will ultimately succeed.

(Signed) Shimon PERES
Minister for Foreign Affairs

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25 December 1992
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ORIGINAL: ARABIC

NOTE VERBALE DATED 24 DECEMBER 1992 FROM THE PERMANENT MISSION OF EGYPT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Permanent Representative of the Arab Republic of Egypt to the United Nations presents his compliments to the President of the Security Council and has the honour to transmit to him a letter from Mr. Amrou Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt, to which is attached the text of the final declaration of the Arab Coordination Meeting held at Cairo on 24 December 1992.

The Permanent Representative of Egypt should like to request that the text of this note, its annex and the attached declaration be circulated as an official document of the Security Council.

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ANNEX

Letter from the Minister for Foreign Affairs of Egypt addressed to the President of the Security Council

On behalf of the ministers for foreign affairs of the Arab countries participating in the bilateral peace negotiations, I have the honour to transmit to you herewith the text of the final declaration of the Arab Coordination Meeting held at Cairo on 24 December 1992 to consider Israel's decision to deport over 400 Palestinians.

In this connection, I should like to note that, in the declaration, the ministers call upon the Security Council to act promptly to implement its resolution 799 (1992) and request the Secretary-General to maintain his special envoy in the occupied territories in order to supervise the return of the deportees.

Amrou MOUSSA
Minister for Foreign Affairs

Appendix

FINAL DECLARATION OF THE ARAB COORDINATION MEETING
HELD AT CAIRO ON 24 DECEMBER 1992

At the request of the Lebanese Republic and the Palestine Liberation Organization, and in response to the invitation extended by the Minister for Foreign Affairs of Egypt to the Arab countries participating in the bilateral peace negotiations, the Ministers for Foreign Affairs of the Arab Republic of Egypt, the Hashemite Kingdom of Jordan, the Syrian Arab Republic, the Lebanese Republic and Palestine met at Cairo on 24 December 1992 to consider Israel's decision to deport more than 400 Palestinians from occupied Palestinian territory to occupied Lebanese territory, as well as developments in the Middle East peace process and the impact of Israel's decision on that process. Also in attendance were some of the members of the Arab delegations taking part in the bilateral peace negotiations.

His Excellency the President of Palestine, Mr. Yasser Arafat, attended part of the meeting. He described the impact which the decision to carry out a collective deportation by force would have on the peace process and thanked participating States, particularly Lebanon, for the courageous and judicious measures they had taken in respect of the deportees.

The ministers considered the recent decision by the Government of Israel to drive more than 400 Palestinians from the occupied Arab territories by force and vigorously condemned those fanatical measures and Israel's recourse to collective sanctions against the Palestinians of the occupied territories, which constitutes a grave violation of international instruments and custom, particularly the fourth Geneva Convention, article 49, paragraph 1, of which prohibits the deportation of persons living in an occupied territory to any other territory for any reason.

The ministers urged Israel to respect international law and implement the fourth Geneva Convention in the Palestinian and Arab territories occupied since 5 June 1967, including Jerusalem. They also affirmed that Israel must implement Security Council resolution 799 (1992) of 18 December 1992, which demands that Israel ensure the complete and immediate return of the deportees to their homes in occupied Palestinian territory, held Israel liable for any attacks on the physical or moral integrity of the deportees who were forcibly driven into occupied Lebanese territory outside the area of Lebanese sovereignty, and affirmed their support for the decision taken by the Lebanese Government in this connection to prevent Israel from continuing such odious measures.

The ministers also called upon the international community to shoulder its responsibilities in the face of Israel's intransigence and its refusal to implement Security Council resolution 799 (1992), which have dangerous consequences for the peace process; they urged the Security Council to take prompt action to implement its resolution, to set up a mechanism and a

timetable for the repatriation of the deportees and, should Israel fail to comply, to meet again with a view to taking the measures provided for in the Charter of the United Nations in the event of a refusal to implement a Council resolution; and they requested the Secretary-General to maintain his envoy in the occupied territories to supervise the repatriation of the deportees.